

1 **FEDERAL ELECTION COMMISSION**

2 999 E Street, N.W.

3 Washington, D.C. 20463

4
5 **FIRST GENERAL COUNSEL'S REPORT**

6 MUR 6294

7 DATE COMPLAINT FILED: 05/19/10

8 LAST RESPONSE RECEIVED: 07/12/10

9 DATE OF NOTIFICATION: 05/26/10

10 DATE ACTIVATED: 07/27/10

11
12 EXPIRATION OF SOL: 05/03/15

13 ELECTION CYCLE: 2010

14
15 **COMPLAINANT:** Bill Halter for Senate Committee

16
17 **RESPONDENT:** Americans for Job Security

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19 **RELEVANT STATUTES** 52 U.S.C. § 30104(f)¹
20 **AND REGULATIONS:** 11 C.F.R. § 104.20(c)(9)
21 11 C.F.R. § 114.15

22
23 **INTERNAL REPORTS CHECKED:** Disclosure Reports

24
25 **FEDERAL AGENCIES CHECKED:** Internal Revenue Service Public Records

26 **I. INTRODUCTION**

27 This matter concerns whether a nonprofit corporation should have disclosed the names of
28 certain donors to the Commission in connection with a broadcast that satisfies the statutory
29 definition of an "electioneering communication."

30 The Complaint alleges that Americans for Job Security ("AJS") filed a 24-Hour Notice of
31 Disbursements/Obligations for Electioneering Communications ("FEC Form 9") on May 3,
32 2010, disclosing over \$900,000 in disbursements for an advertisement criticizing Senate
33 candidate Bill Halter ("Halter advertisement") without disclosing the source of those funds in

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended, (the "Act") was transferred from Title 2 to new Title 52 of the United States Code.

1 violation of 52 U.S.C. § 30104(f) (formerly 2 U.S.C. § 434(f)) and 11 C.F.R. § 104.20.² The
2 Complaint reasons that, because *Citizens United v. FEC*³ invalidated the ban on corporate
3 financing of electioneering communications in its entirety, the limited disclosure rule at
4 11 C.F.R. § 104.20(c)(9) addressing “permissible” corporate electioneering communications no
5 longer governs the disclosures at issue here. Rather, the broader donor disclosure rules at
6 52 U.S.C. § 30104(f) (formerly 2 U.S.C. § 434(f)) and 11 C.F.R. § 104.20(c)(7)-(8) would now
7 apply.

8 Following the *Citizens United* decision, the Commission concluded that the regulation at
9 11 C.F.R. § 104.20(c)(9) continued to govern the reporting of disbursements for corporate and
10 labor union electioneering communications such as the electioneering communication at issue
11 here.⁴ However, in April 2011, Representative Christopher Van Hollen brought a lawsuit
12 challenging the validity of 11 C.F.R. 104.20(c)(9).⁵ In 2012, the U.S. District Court for the
13 District of Columbia found that the regulation was invalid, vacated it, and reinstated the
14 Commission’s prior regulation.⁶ Subsequently, the U.S. Court of Appeals for the District of
15 Columbia reversed the judgment of the district court and remanded the case to the district court
16 for further consideration.⁷ The district court directed the Commission to inform the court

² Compl. at 1 (May 19, 2010).

³ 588 U.S. 310 (2010) (“*Citizens United*”).

⁴ See FEC Statement on the Supreme Court’s Decision in *Citizens United* (Feb. 5, 2010),
<http://www.fec.gov/press/press2010/20100205CitizensUnited.shtml>.

⁵ Complaint (Docket No. 1), *Van Hollen v. FEC*, Civ. No. 00766 (D.D.C. Apr. 21, 2011).

⁶ See *Van Hollen v. FEC*, 851 F. Supp. 2d 69, 77-78 (D.D.C. 2012) and *Van Hollen*, No. 11-0766, slip. op.
at 3 (D.D.C. Apr. 27, 2012).

⁷ *Ctr. for Individual Freedom v. FEC*, 694 F.3d 108, 110, 112 (D.C. Cir. 2012).

1 whether the agency planned to initiate a rulemaking or defend its current regulation.⁸ On
2 October 4, 2012, the Commission informed the court that it would not initiate a rulemaking to
3 amend its regulations governing the disclosure of electioneering communications, but instead
4 intended to continue to defend the then-applicable regulation at 11 C.F.R. § 104.20(c)(9).⁹ On
5 November 25, 2014, the district court granted Van Hollen's motion for summary judgment and
6 vacated 11 C.F.R. § 104.20(c)(9) on the grounds that it is arbitrary, capricious, and contrary to
7 law.¹⁰ The court did not indicate whether it was reinstating the prior regulation. The
8 Commission did not appeal the judgment, but the two intervenors have filed an appeal without
9 seeking a stay.¹¹

10 As we previously informed the Commission, we initially deferred proceeding in this
11 matter in anticipation of a ruling in the *Van Hollen* litigation that might have offered further
12 guidance concerning the legal issues presented.

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16 Given the impending expiration of the limitations period in May 2015,
17 we believe the Commission should take action without awaiting the outcome of the appeal.

⁸ Order (Docket No. 66), *Van Hollen, supra* (Sept. 20, 2012).

⁹ Status Report of FEC (Docket No. 67), *Van Hollen, supra* (Oct. 4, 2012).

¹⁰ *Van Hollen v. FEC*, No. 11-766 (ABJ), 2014 WL 6657240 (D.D.C. Nov. 25, 2014).

¹¹ See Center for Individual Freedom Notice of Appeal, *Van Hollen v. FEC*, No. 11-766 (ABJ) (D.D.C.) (Docket No. 101, Jan. 9, 2015); Hispanic Leadership Fund Notice of Appeal, *Van Hollen v. FEC*, No. 11-766 (ABJ) (D.D.C.) (Docket No. 103, Jan. 12, 2015).

1 We note that the district court's recent decision to vacate the regulation and lack of a stay
2 pending appeal raises a threshold question whether the Commission should give retroactive
3 effect to the district's court decision. As a general rule, federal courts and agencies must give
4 retroactive effect to new rules of law,¹² although there are limited exceptions.¹³ Regardless,
5 because the record presently before the Commission does not indicate that AJS violated the
6 section 104.20(c)(9) regulation in effect at the time of the activity, as set forth below, we do not
7 recommend that the Commission apply a different standard in this enforcement matter —
8 whether the prior regulation or the statute itself — against a respondent that may have acted in
9 good faith reliance upon that regulation in not disclosing the names of its donors. We therefore
10 recommend that the Commission exercise its prosecutorial discretion to dismiss the matter and
11 close the file.¹⁴

¹² See, e.g., *Reynoldsville Casket Co. v. Hyde*, 514 U.S. 749, 752 (1995) (“[W]hen (1) the Court decides a case and applies the (new) legal rule of that case to the parties before it, then (2) it and other courts must treat that same (new) legal rule as ‘retroactive,’ applying it, for example, to all pending cases whether or not those cases involve predccision events.”); *Harper v. Virginia Dept. of Taxation*, 509 U.S. 86, 89 (1993) (“this Court’s application of a rule of federal law to the parties before the Court requires every court to give retroactive effect to that decision.”); *Nat’l Fuel Gas Supply Corp. v. FERC*, 59 F.3d 1281, 1289 (D.C. Cir. 1995) (requiring federal agency to give retroactive effect to ruling of federal court).

¹³ See *Hyde*, 514 U.S. at 759. The Supreme Court has raised the possibility that special circumstances, such as “grave disruption or inequity,” may permit departures from the rule. *Ryder v. United States*, 515 U.S. 177, 185 (1995). In June 2012, after the district court first struck down section 104.20(c)(9) and ordered that the 2003 version of the regulation apply, see *Van Hollen*, No. 11-0766, slip op. at 3 (D.D.C. Apr. 27, 2012),

Subsequently, the Commission issued a statement on July 27, 2012, that the new disclosure rules for electioneering communications would be effective as of the date of the court’s decision on March 30, 2012. See FEC Statement on *Van Hollen v. FEC* (July 27, 2012), <http://www.fec.gov/pages/fecrecord/2012/august/commstatement.shtml>. Thus, the Commission did not retroactively apply the new rule to electioneering communications made prior to the date of the court’s ruling.

¹⁴ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

1 **II. FACTUAL AND LEGAL ANALYSIS**

2 **A. Factual Summary**

3 AJS is an incorporated, nonprofit entity, organized as a business league under Section
4 501(c)(6) of the Internal Revenue Code. AJS describes itself as an "independent, bi-partisan,
5 pro-business issue advocacy organization."¹⁵ In calendar year 2008, AJS disclosed \$8.6 million
6 in electioneering communications in filings with the Commission. In calendar year 2010, AJS
7 disclosed that it spent \$4.6 million on electioneering communications, including \$479,268 made
8 prior to May 3, 2010, the date the Halter advertisement aired. Starting in September 2010, AJS
9 also began sponsoring independent expenditures, spending \$4.8 million for such expenditures
10 during the remainder of 2010.¹⁶ None of AJS's disclosure reports disclose the identity of any
11 AJS donor.

12 On May 3, 2010, AJS filed an FEC Form 9, disclosing \$913,096 in disbursements for
13 electioneering communications made in connection with the television advertisement that is the
14 subject of the instant Complaint. The FEC Form 9 does not list any donors who made donations
15 for the purpose of furthering electioneering communications.

16 The advertisement, entitled "Thank You," aired 15 days before the 2010 Arkansas
17 Democratic primary election and features several actors portraying citizens of India thanking
18 2010 U.S. Senate candidate Bill Halter for sending jobs to Bangalore, India.¹⁷ A narrator

¹⁵ See AJS, <http://www.savejobs.org/aboutajs.php> (last visited Feb. 19, 2015).

¹⁶ In MUR 6538, the Commission's Office of General Counsel recommended that the Commission find reason to believe that AJS violated the Act and Commission regulations by failing to organize, register, and report as a political committee. First Gen. Counsel's Rpt. at 22, MUR 6538 (Americans for Job Security, Inc.). The Commission divided three to three and closed the file. Certification, MUR 6538 (June 24, 2014). The complainant in MUR 6538 has filed a lawsuit against the Commission challenging the failure of the Commission to proceed in that matter. See *CREW v. FEC*, No. 14-cv-01419 (D.D.C. filed Aug. 20, 2014).

¹⁷ Compl., Ex. 1.

1 identifies Halter as "a highly paid director of a U.S. company" that "exported American jobs to
2 Bangalore India," and states that "Halter off-shored American jobs to Bangalore, India, while our
3 economy struggled."¹⁸ The advertisement concludes with the statement "Tell Bill Halter,
4 support Arkansas jobs, not jobs in India."¹⁹

5 The Complaint alleges that AJS's Form 9 for this electioneering communication
6 improperly failed to disclose the source of funds for it, in violation of 52 U.S.C.
7 § 30104(f) (formerly 2 U.S.C. § 434(f)) and 11 C.F.R. § 104.20.²⁰ The Complaint also asserts
8 that because the Supreme Court decision in *Citizens United* invalidated the prohibition on the
9 corporate financing of electioneering communications in its entirety, the Commission's
10 regulations at 11 C.F.R. § 104.20(c)(9) concerning "permissible electioneering communications"
11 are similarly invalid.²¹ The Complaint therefore argues that, because AJS need no longer comply
12 with the regulation that prohibited the use of corporate funds for electioneering communications,
13 it is required instead to disclose its donors pursuant to the broader statutory provisions applicable

¹⁸ *Id.*

¹⁹ *Id.* The name of the advertisement described in the Complaint is "Thank You." See Compl., Exs. 1, 2. The Complaint mistakenly refers to the advertisement as "Outsourcing," perhaps because AJS disclosed an electioneering communication entitled "Outsource," costing \$490,000, around the same time as it did for "Thank You." See 24-Hour Notice of Disbursements/Obligations for Electioneering Communications (FEC Form 9) (May 6, 2010). "Outsource" also discusses Halter and outsourcing of jobs to India, but features black and white photos of actors portraying Americans. See <https://www.youtube.com/watch?v=ZcUzvzgx0Lg>. AJS addresses "Thank You" in its Response. Resp. at 3 (July 12, 2010).

²⁰ Compl. at 5. The Complaint further asserts that even if the donor disclosure regulation for permissible electioneering communications still applies, the AJS advertisement did not qualify for it because the advertisement did not meet the definition of a permissible electioneering communication under 11 C.F.R. § 114.15. Compl. at 4-5. Because *Citizens United* makes it permissible for corporations and labor organizations to use their treasury funds for electioneering communications, the question of whether the advertisement at issue constitutes a permissible electioneering communication under 11 C.F.R. § 114.15 is now moot.

²¹ *Id.* at 3-5.

1 to electioneering communications generally — that is, 52 U.S.C. § 30104(f)(2)(E)-(F) (formerly
2 2 U.S.C. § 434(f)(2)(E)-(F)) and 11 C.F.R. § 104.20(c)(7)-(8).²²

3 In response, AJS asserts that the Complaint misstates the law and fails to allege any facts
4 or cite to any evidence to support its allegations that AJS violated the Act and Commission
5 regulations.²³ Specifically, AJS argues that *Citizens United* did not establish new disclosure
6 requirements for electioneering communications, but upheld the disclosure requirements under
7 the Act and Commission regulations, including those applicable to “organizations sponsoring
8 issue advocacy advertisements in close proximity to federal elections.”²⁴ According to AJS, it
9 accepts membership dues that support the general purposes of the organization and does not
10 accept donations for a particular purpose.²⁵ AJS asserts that it complied with the reporting
11 requirements for the advertisement by timely filing a FEC Form 9 with the Commission and was
12 not required to disclose donors pursuant to 11 C.F.R. § 104.20(c)(9) because the regulation
13 excepts an organization from donor disclosure if it “does not solicit donations for the specific
14 purpose of furthering the EC, or if the donor did not send funds to the organization for the
15 specific purpose of furthering the EC.”²⁶

16 **B. Legal Analysis**

17 “Electioneering Communications” are defined as broadcast, cable or satellite
18 communications that refer to a clearly identified candidate for federal office, are publicly

²² *Id.* at 3-4.

²³ Resp. at 1.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 3.

1 distributed within sixty days before a general election or thirty days before a primary election,
2 and are targeted to the relevant electorate.²⁷ A communication is "targeted to the relevant
3 electorate" if it can be received by 50,000 or more persons in the district or state in which the
4 candidate is running.²⁸

5 The Act provides that a person that has made electioneering communications aggregating
6 in excess of \$10,000 in a calendar year must file a disclosure statement.²⁹ These statements must
7 disclose the identities of the persons making the electioneering communication, the cost of the
8 communication, the election in which that candidate is running for office, and the names and
9 addresses of all those who donated an aggregate amount of \$1,000 or more within a specified
10 time period.³⁰ If the disbursements for electioneering communications are paid exclusively from
11 a segregated bank account established to pay for electioneering communications, only donors
12 who donated to that account need to be reported.³¹ In these respects the Commission's
13 regulations covering electioneering communications parallel those described in the Act.³²

14 In *FEC v. Wisconsin Right to Life, Inc.*, the Court held that corporations and labor
15 organizations were permitted to finance electioneering communications that were not the
16 "functional equivalent of express advocacy."³³ To implement that decision, the Commission

²⁷ See 52 U.S.C. § 30104(f)(3)(A)(i) (formerly 2 U.S.C. § 434(f)(3)(A)(i)).

²⁸ *Id.*

²⁹ See *id.* § 30104(f)(1) (formerly 2 U.S.C. § 434(f)(1)). The regulation defines the triggering date for disclosure as the date an electioneering communication is publicly distributed when the maker of the communication has also surpassed the \$10,000 disbursement threshold. 11 C.F.R. § 104.20(a)(1).

³⁰ See *id.* § 30104(f)(2) (formerly 2 U.S.C. § 434(f)(2)).

³¹ *Id.* § 30104(f)(2)(E)-(F) (formerly 2 U.S.C. § 434(f)(2)(E)-(F)).

³² See 11 C.F.R. § 104.20(c)(7)-(8).

³³ 551 U.S. 449 (2007).

1 promulgated the regulation at 11 C.F.R. § 114.15, which set out the rules for determining
2 whether a corporate electioneering communication was permissible, and revised the regulation at
3 11 C.F.R. § 104.20, to address disclosure rules for corporations and labor organizations making
4 “permissible” electioneering communications.³⁴ These rules, accompanied by an Explanation
5 and Justification, were published in the Federal Register on December 26, 2007, and took effect
6 immediately.³⁵

7 In *Citizens United*, however, the Court invalidated the ban on corporate financing of
8 electioneering communications in its entirety, while upholding the disclosure requirements for
9 electioneering communications.³⁶ The Commission subsequently advised that corporations
10 financing electioneering communications should disclose them on FEC Form 9 consistent with
11 the Commission’s regulations at 11 C.F.R. § 104.20.³⁷ Accordingly, notwithstanding the
12 Complaint’s contention here, during the time of the activity in question (2010) the Commission
13 had concluded that Section 104.20(c)(9) — applicable to disbursements for electioneering
14 communications made by corporations and labor organizations — continued to govern the donor
15 disclosure obligations of AJS relating to its electioneering communication activity. This
16 regulation required corporations and labor organizations that made disbursements for
17 electioneering communications to disclose “the name and address of each person who made a
18 donation aggregating \$1,000 or more to the corporation or labor organization, aggregating since

³⁴ See 11 C.F.R. § 104.20(c)(9).

³⁵ See Electioneering Communications, 72 Fed. Reg. 72,899 (Dec. 26, 2007) (explanation and justification) (“E&J”).

³⁶ *Citizens United*, 588 U.S. at 366-67.

³⁷ See FEC Statement on the Supreme Court’s Decision in *Citizens United* (Feb. 5, 2010), <http://www.fec.gov/press/press2010/20100205CitizensUnited.shtml>.

1 the first day of the preceding calendar year, which was *made for the purpose of furthering*
2 *electioneering communications.*³⁸

3 In denying that it was obligated to disclose the identity of any donor in connection with
4 the advertisement at issue here, AJS appears to read the regulation to require disclosure of only
5 those donations made to further a specific or particular electioneering communication:

6 With respect to the Complainant's gripes with AJS's disclosure,
7 Commission regulations contain an explicit exception to the EC donor
8 disclosure requirements. Specifically, if an organization does not solicit
9 donations for the specific purpose of furthering the EC, or if the donor did
10 not send funds to the organization for the specific purpose of furthering
11 the EC, the donors are not required to be disclosed on Form 9. *See*
12 11 C.F.R. § 104.20(c)(9). AJS accepts dues from its members that support
13 the general purposes of the organization. It does not accept donations for
14 a particular purpose.³⁹
15

16 We disagree that the regulatory language was so narrow. It required the disclosure of each
17 person "who made a donation . . . which was made for the purpose of furthering electioneering
18 communications," but did not require any greater specificity of donative purpose than
19 "furthering" electioneering "communications" generally to trigger a disclosure obligation.⁴⁰

³⁸ *Id.* (emphasis added). MUR 6002 (Freedom's Watch, Inc.) also raised the issue of donor disclosure for electioneering communications. In that matter, the Commission's Office of General Counsel recommended that the Commission find reason to believe that Freedom's Watch, a nonprofit advocacy group, violated 11 C.F.R. § 104.20(c)(9) with respect to a television advertisement that criticized the voting record of a federal candidate during the electioneering communications period and authorize an investigation. First Gen. Counsel's Rpt. at 5, MUR 6002 (Freedom's Watch, Inc.). The Complaint alleged that Freedom's Watch spending derived almost entirely from a single individual, and that that individual essentially chose what projects the organization would pursue. Compl. at 1 (Apr. 23, 2008), MUR 6002. Two Commissioners voted to approve the recommendations while three others voted not to proceed in the exercise of prosecutorial discretion. *See* Certification (Apr. 27, 2010), MUR 6002.

³⁹ Resp. at 3.

⁴⁰ *See* 11 C.F.R. § 104.20(c)(9). The Commission has noted that "the 'for the purpose of furthering' standard in 11 CFR 104.20(c)(9) is drawn from the reporting requirements that apply to independent expenditures made by persons other than political committees." E&J, 72 Fed. Reg. at 72,911. The independent expenditure disclosure rule at 11 C.F.R. § 109.10(e)(1)(vi), which applies to reporting of independent expenditures made by persons other than political committees, provides for disclosure of those donors who donate funds "for the purpose of furthering the reported independent expenditure." *Id.* § 109.10(e)(1)(vi) (emphasis added). Section 104.20(c)(9), which applies to the reporting of electioneering communications, does not adopt that formulation. Thus, even if the language used in

1 The Complaint does not present any facts indicating that AJS received funds in response
2 to solicitations requesting funds to pay for electioneering communications or received funds
3 designated for electioneering communications by the donor.⁴¹ In addition, AJS states in its
4 unsworn response that it does not accept any targeted donations, though it does not deny,
5 explicitly or implicitly, that it solicited donations for particular purposes.

6 Other available information — including AJS's own public statements, its 2008 FEC
7 filings, and its relevant publicly-available filings with the IRS — does not demonstrate that AJS
8 solicited or received donations for the purpose of furthering electioneering communications such
9 as the Halter advertisement prior to May 2010. From 2009 to pre-May 2010, AJS appears to
10 have derived most of its revenue from membership dues and to have spent most of its funds on
11 political advocacy, the large majority in connection with electioneering communications.⁴² We
12 note that AJS publicly acknowledges that it conducts most of its activities during "campaign
13 season" because that period "is when the majority of Americans are debating and focused on

the regulations relating to disclosure of donors for independent expenditures generally supports the more narrow construction proffered by AJS, that narrowing language is absent from the electioneering communication regulation. Accordingly, we see no basis to construe the reporting obligations under the electioneering regulation more narrowly than the regulatory language itself suggests. *See Kucuna v. Holder*, 558 U.S. 233, 249 (2010) (where Congress includes specific language in one part of a statute but excludes it in another, one can presume that Congress acted intentionally) (quoting *Nken v. Holder*, 556 U.S. 418, 430 (2009)); *see also Dean v. United States*, 556 U.S. 568, 572 (2009) (recognizing that Court ordinarily resists reading words into a statute that do not appear on its face).

⁴¹ The Commission has noted that, among others, "[d]onations made for the purpose of furthering an EC include funds received in response to solicitations specifically requesting funds to pay for ECs as well as funds specifically designated for ECs by the donor." E&J, 72 Fed. Reg. at 72,910-911.

⁴² From September 9, 2008 through May 3, 2010, when the Halter advertisement aired, AJS filed 44 Form 9s (24 Hour Notice of Disbursements/Obligations for Electioneering Communications) totaling over \$9.1 million. From November 2007 to October 2008, AJS spent \$7,655,794 in "media services and placement." AJS, IRS Form 990, Return of Organization Exempt From Income Tax (2007) at 10. AJS disclosed \$28,287,262 in "program service revenue," which it states is from "membership dues and voluntary assessments of members," compared to \$59,200 in other revenue (interest and dividends) from November 2006 through October 2010. AJS, IRS Form 990, Return of Organization Exempt from Income Tax (2006) at 1; IRS Form 990, Return of Organization Exempt from Income Tax (2007) at 1; IRS Form 990, Return of Organization Exempt from Income Tax (2008) at 1, 9; IRS Form 990, Return of Organization Exempt from Income Tax (2009) at 1, 9, *available at* <http://www2.guidestar.org/rxg/about-us/index.aspx>.

1 public policy,” and further, “since the media and public officials only focus on media markets
2 where there are hotly contested political campaigns, we select the media markets we advertise in
3 accordingly.”⁴³ Although it is unclear whether “campaign season” constitutes the period within
4 the relevant thirty-day pre-primary or sixty-day general election electioneering communication
5 window, these statements nonetheless may fairly suggest to potential donors that AJS likely
6 would use donated funds to advance its political message close in time to relevant elections. But
7 that suggestion falls short of indicating that AJS solicited or received donations “for the purpose
8 of furthering electioneering communications” prior to May 2010.

9 The record presently before the Commission does not indicate that AJS violated
10 11 C.F.R. § 104.20(c)(9), the regulation in effect at the time of the activity. Whether or not the
11 doctrine of retroactivity applies here, we do not recommend that the Commission apply a
12 different standard in this enforcement matter against a respondent that may have acted in good
13 faith reliance upon that regulation in not disclosing the names of donors. Accordingly, we
14 recommend that the Commission exercise its prosecutorial discretion to dismiss the matter and
15 close the file.⁴⁴

16 **III. RECOMMENDATIONS**

- 17 1. Dismiss the allegations that Americans for Job Security violated 52 U.S.C.
18 § 30104(f) (formerly 2 U.S.C. § 434(f)) and 11 C.F.R. § 104.20.
- 19 2. Approve the Factual and Legal Analysis.
- 20 3. Approve the appropriate letters.

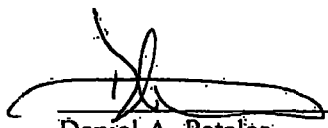
⁴³ See <http://www.savejobs.org/aboutajs.php>.

⁴⁴ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

4. Close the file.

Date


2/26/15


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